

# ANSPACH & ASSOCIATES

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**SFUND RECORDS CTR  
2250092**

January 6, 2010

Craig Whitenack, Civil Investigator  
United States Environmental Protection Agency  
Region IX, Southern California Field Office  
600 Wilshire Avenue, Suite 1420  
Los Angeles, California 90017

**Re: Yosemite Creek Superfund Site, San Francisco, CA  
Response to 104(e) Information Request**

This letter responds to the October 15, 2009 request for information ("RFI") of the United States Environmental Protection Agency ("EPA") to W.R. Meadows, Inc. for W.R. Meadows, Inc. ("Meadows") with regard to the Yosemite Creek Superfund site (the "Site"). Subject to both the general and specific objections noted below, and without waiving these or other available objections or privileges, Meadows submits the following in response to the RFI and in accordance with the January 11, 2010 due date that EPA has established for this response.

## **GENERAL OBJECTIONS**

Meadows asserts the following general privileges, protections and objections with respect to the RFI and each information request therein.

1. In responding to the RFI, Meadows has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are relevant to this matter. However, the RFI purports to seek a great deal of information that is not relevant to the Site or alleged contamination at the Site. For example, while we understand the basis of the purported connection between Meadows and the former Bay Area Drum State Superfund Site at 1212 Thomas Avenue in San Francisco, California (the "BAD Site"), certain RFI questions seek information regarding facilities other than the BAD Site, including *all* facilities in California and *all* facilities outside California that shipped drums or other containers to *any* location in the entire state of California, as well as "all removal and remedial

actions,” “all corrective actions,” and “all cleanups” at any site, anywhere. These other purported facilities throughout California and the United States, as well as these other purported sites, have no nexus to the Site. Because such questions are not relevant to the Site, they are beyond the scope of EPA’s authority as set forth in Section 104(e)(2)(A) of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”) (EPA may request information “relevant to . . . [t]he identification, nature, and quantity of materials which have been . . . transported to a . . . facility”).

2. The RFI also defined “COCs” as “any of the contaminants of concern at the Site and includes: lead, zinc, mercury, dichlorodiphenyltrichloroethane (“DDT”), chlordane, dieldrin, and polychlorinated biphenyls (“PCBs”).” However, certain RFI requests also seek information regarding hazardous substances more broadly. These requests go beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and are not relevant to the Site pursuant to Section 104(e)(2)(A) of CERCLA. Thus, with respect to any question specifically referencing “COCs,” Meadows has limited its review of documents and information to the COCs specifically identified by EPA. See, further, objection to the term “COCs”, *infra*.
3. As EPA is aware, the California Department of Toxic Substances Control (“DTSC”) conducted an extensive investigation of the BAD Site and Meadows’ operations in connection with it. DTSC’s investigation included an information request to Meadows and the DTSC files include Meadows’ Response to DTSC’s information request, among other documents. Meadows understands that EPA is already in possession of DTSC’s files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA. Thus, the focus of Meadows’ identification, review and retrieval of documents has been upon data that has not been previously provided to EPA, DTSC or any other governmental agency that is relevant to the Site.
4. Meadows asserts all privileges and protections it has in regard to the documents and other information sought by EPA, including the attorney-client privilege, the attorney work product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, the confidential business information (“CBI”) and trade secret protections, and any other privilege or protection available to it under law. In the event that a privileged or protected document has been inadvertently included among the documents produced in response to the RFI, Meadows asks that any such document be returned to Meadows immediately and here states for the record that it is not thereby waiving any available privilege or protection as to any such document.

5. In the event that a document containing CBI or trade secrets has been inadvertently included among the numerous documents provided in response to the RFI, Meadows asks that any such documents be returned to Meadows immediately so that Meadows may resubmit the document in accordance with the applicable requirements for the submission of Confidential Information.
6. Meadows objects to any requirement to produce documents or information already in the possession of a government agency, including but not limited to DTSC, or already in the public domain. As noted above, DTSC conducted an extensive investigation of the BAD Site and Meadows' operations in connection with it. DTSC's investigation included an information request to Meadows and the DTSC files include Meadows' Response to DTSC's information request. EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA. Notwithstanding this objection, and without waiving it, Meadows may produce certain information or documents in its possession, custody, or control that it previously provided to or obtained from government agencies that contain information responsive to the RFI.
7. Meadows objects to furnishing any information or producing any document relating to any matter or site other than the Site or the BAD Site as being beyond the scope of Section 104(e)(2) of CERCLA. Meadows has limited its answers and production of documents accordingly.
8. Meadows objects to Information Request Instruction No. 1, purporting to require that "a separate narrative response to each and every question and Subpart of a question" be provided "whether or not such information is contained in available documents." Where information sought by EPA in a request for information is set forth in documents furnished by Meadows, such information is not furnished in a separate narrative in the answer to such request. To do otherwise would be unduly burdensome.
9. Meadows objects to Information Request Instruction No. 2 that Meadows mark documents by the number of the question to which they correspond. Such instruction is unduly burdensome.
10. Meadows objects to Information Request Instruction No. 3 on the basis that it is confusing and ambiguous, because it leaves to Meadows to determine who or what is a "person covered by this request." To the extent that a "person covered by this request" is a person or entity other than the person or entity to whom the RFI is directed, *i.e.*, Meadows, then the Instruction is beyond the scope of Section 104(e)(2) of CERCLA, and EPA is not authorized to hold Meadows responsible for information in the possession of any such person or entity.

11. Meadows objects to Information Request Instruction No. 4 because it seeks to require Meadows, if information responsive to the RFI is not in its "possession, custody, or control," to identify any and all persons from whom such information "may be obtained." Meadows is aware of no obligation that it has under Section 104(e) of CERCLA to identify all other persons who may have information responsive to EPA information requests and is not otherwise in a position to identify all such persons who may have such information.
12. Meadows objects to Information Request Instruction No. 5 on the ground that EPA has no authority to impose a continuing obligation on Meadows to supplement these responses. Meadows will, of course, comply with any lawful future requests that are within EPA's authority.
13. Meadows objects to Information Request Instruction No. 6 to the extent that it purports to require Meadows to seek and collect information and documents in the possession, custody or control of individuals who are not officers, agents or employees of Meadows. EPA lacks the authority to require Meadows to seek information not in its possession, custody or control.
14. Meadows objects to the definition of the term "COCs" in Definition No. 2 because it is ambiguous and confusing. It defines the term as "*any* of the contaminants of concern at the Site (emphasis added)." While the definition identifies particular chemicals that are included in the scope of such "contaminants of concern," it does not state what chemicals may be encompassed within the word "any" or that the term "contaminants of concern" is limited to such chemicals that are specifically identified. In answering the RFI, Meadows is limiting the scope of its answers to any question referencing "COCs" only to those chemicals that the definition of COCs identifies are specifically included in the scope of "contaminants of concern" and not "any" others.
15. Meadows objects to the RFI's definition of "document" or "documents" in Definition No. 3 to the extent it extends to documents not in Meadows' possession, custody, or control. Meadows disclaims any responsibility to search for, locate, and provide EPA copies of any documents "known [by Meadows] to exist but not in Meadows' possession, custody, or control, including originals, all prior drafts, and all non-identical copies."
16. Meadows objects to the RFI's definition of "Facility" or "Facilities" in Definition No. 4 because the terms are overbroad to the extent that they extend to facilities with no connection to either the Site or the BAD Site. Moreover, the term "Facilities" as defined in the RFI is confusing and ambiguous as the term is defined as having separate meanings in Definition No. 4 and Request No. 3.

17. Meadows objects to the definition of "identify" in Definition No. 7 to the extent that the definition encompasses home addresses of natural persons. Subject to this objection, current Meadows employees are identified by name, corporate address and corporate telephone number. Meadows requests that any contacts with Meadows' employees identified in these responses or the related documents be initiated through Meadows' undersigned attorney.
18. Meadows objects to the definition of "the company," "Respondent", "you," "your," and "your company" in Definition No. 14 because the terms are overbroad and it is not possible for Meadows to answer questions on behalf of all the persons and entities identified therein. The term "you" as defined in Definition No. 14 also conflicts with the definition of "you" in Definition No. 20, and is thereby confusing and ambiguous.
19. Meadows objects to the definition of "Substance of Interest" or "SOI" in Definition No. 16 to the extent that such definition incorporates the term "COCs" for the reasons and upon the same basis as its objections to the definition of "COCs" set forth in its objections to Definition No. 2 as stated in paragraph 14 of these General Objections hereinabove.

## **RESPONSES TO OCTOBER 15, 2009 EPA INFORMATION REQUESTS**

1. *Describe generally the nature of the business conducted by Respondent and identify the products manufactured, formulated, or prepared by Respondent throughout its history of operations.*

### **RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying each of the products manufactured by Meadows is not feasible due to scope of products and Meadows' long operations history. Subject to these objections, Meadows answers this request as follows: W.R. Meadows Northern California location manufactures and warehouses products utilized in commercial concrete construction. Products manufactured include concrete curing compounds, form release agents, and vapor retarders. Warehoused products include vapor-proofing/water-proofing membranes, expansion joints, joint sealants, and epoxies.

2. *Provide the name (or other identifier) and address of any facilities where Respondent carried out operations between 1940 and 1988 (the "Relevant Time Period") and that:*

- a. *ever shipped drums or other containers to the BAD Site for recycling, cleaning, reuse, disposal, or sale.*
- b. *are/were located in California (excluding locations where ONLY clerical/office work was performed);*
- c. *are/were located outside of California and shipped any drums or other containers to California for recycling, cleaning, reuse, disposal, or sale (for drums and containers that were shipped to California for sale, include in your response only transactions where the drums and containers themselves were an object of the sale, not transactions where the sole object of the sale was useful product contained in a drum or other container).*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, in addition to facilities with a connection to the BAD Site, Request No. 2 purports to also seek information regarding *any* facility located in California (excluding locations where ONLY clerical/office work was performed) and *any* facility located outside of California that shipped drums or other containers to *any* location in California, even to locations other than the BAD Site. These other facilities have no nexus with the BAD Site, and thus this request seeks information that is not relevant to the Site.

Subject to these objections, Meadows answers this request as follows:

W.R. Meadows of Northern California  
865 Teal Court  
Benicia, California 94510

3. *Provide a brief description of the nature of Respondent's operations at each Facility identified in your response to Question 2 (the "Facilities") including:*
  - a. *the date such operations commenced and concluded; and*
  - b. *the types of work performed at each location over time, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In particular, but without limiting the generality of the foregoing objection, Meadows objects to the request in (b.) that it describe "types of work performed at each location over time . . . ." Without identification by EPA of the types of work it is referring to, it would be virtually impossible, given the broad nature of possible work at various facilities, to describe each and every type of work that was performed at any facility. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Subject to these objections, Meadows answers this request as follows:

Operations started on April 1, 1977 and ceased during October 2007. As noted in the answer to Request No. 1, above, operations at the facility included the warehousing and manufacturing of products utilized in commercial concrete construction. Facility operations included the processing (cutting) of expansion joints, the impregnation of asphalt into expansion joint, and the mixing of materials to produce concrete curing compounds.

4. *For each Facility, describe the types of records regarding the storage, production, purchasing, and use of Substances of Interest ("SOI") during the Relevant Time Period that still exist and the periods of time covered by each type of record.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome to the extent it seeks to require Meadows to describe "types of records." Meadows further objects to Request No. 4 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. Subject to these objections, Meadows answers this request as follows:

W.R. Meadows of Northern California did not utilize Substances of Interest during the Relevant Time Period, so records pertaining to these items do not exist.

5. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store one of the COCs (including any substances or wastes*

*containing the COCs) at any of the Facilities? State the factual basis for your response.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between COCs at Meadows' Facilities and the BAD Site, Request No. 5 purports to seek information relating to Meadows' Facilities that is not relevant to contamination at the Site.

Subject to these objections, Meadows answers this request as follows:

No. W.R. Meadows of Northern California did not produce, purchase, use, or store one of the COCs at its facility. W.R. Meadows of Northern California did not use any of the COCs as a raw material or in any other capacity at its facility.

6. *If the answer to Question 5 is yes, identify each COC produced, purchased, used, or stored at each Facility.*

**RESPONSE:**

Not applicable.

7. *If the answer to Question 5 is yes, identify the time period during which each COC was produced, purchased, used, or stored at each Facility.*

**RESPONSE:**

Not applicable.

8. *If the answer to Question 5 is yes, identify the average annual quantity of each COC produced, purchased, used, or stored at each Facility.*

**RESPONSE:**

Not applicable.

9. *If the answer to Question 5 is yes, identify the volume of each COC disposed by the Facility annually and describe the method and location of disposal.*

**RESPONSE:**

Not applicable.



10. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store hydraulic oil or transformer oil at any of the Facilities? State the factual basis for your response to this question.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between hydraulic fuel or transformer oil at Meadows' Facilities and the BAD Site, Request No. 10 purports to seek information relating to Meadows' Facilities that is not relevant to contamination at the Site.

Subject to these objections, Meadows answers this request as follows:

No. W.R. Meadows of Northern California did not produce, purchase, store, or use hydraulic oils or transformer oils at its location. W.R. Meadows did not have any hydraulic equipment at the facility so no hydraulic oils were needed. In addition, transformer oils were never utilized as a raw material at the facility.

11. *If the answer to Question 10 is yes, identify each specific type of hydraulic oil and transformer oil produced, purchased, used, or stored at each Facility.*

**RESPONSE:**

Not applicable.

12. *If the answer to Question 10 is yes, identify the time period during which each type of hydraulic oil and transformer oil was produced, purchased, used, or stored.*

**RESPONSE:**

Not applicable.

13. *If the answer to Question 10 is yes, identify the average annual quantity of each type hydraulic oil and transformer oil purchased, produced, used, or stored at each Facility.*

**RESPONSE:**

Not applicable.

14. *If the answer to Question 10 is yes, identify the volume of each hydraulic oil and transformer oil disposed by the Facility annually and describe the method and location of disposal.*

**RESPONSE:**

Not applicable.

15. *Provide the following information for each SOI (SOIs include any substance or waste containing the SOI) identified in your responses to Questions 5 and 10:*
- a. *Describe briefly the purpose for which each SOI was used at the Facility. If there was more than one use, describe each use and the time period for each use;*
  - b. *Identify the supplier(s) of the SOIs and the time period during which they supplied the SOIs, and provide copies of all contracts, service orders, shipping manifests, invoices, receipts, canceled checks and other documents pertaining to the procurement of the SOI;*
  - c. *State whether the SOIs were delivered to the Facility in bulk or in closed containers, and describe any changes in the method of delivery over time;*
  - d. *Describe how, where, when, and by whom the containers used to store the SOIs (or in which the SOIs were purchased) were cleaned, removed from the Facility, and/or disposed of, and describe any changes in cleaning, removal, or disposal practices over time.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 15 purports to seek information relating to Meadows' Facilities that is not relevant to contamination at the Site.

Subject to these objections, Meadows answers this request as follows:  
Not applicable.

16. *For each SOI delivered to the Facilities in closed containers, describe the containers, including but not limited to:*
- a. *the type of container (e.g. 55 gal. drum, tote, etc.);*

- b. *whether the containers were new or used; and*
- c. *if the containers were used, a description of the prior use of the container.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 16 purports to seek information relating to Meadows' Facilities that is not relevant to contamination at the Site.

Subject to these objections, Meadows answers this request as follows:  
Not applicable.

17. *For each container that Respondent used to store a SOI or in which SOIs were purchased ("Substance-Holding Containers" or "SHCs") that was later removed from the Facility, provide a complete description of where the SHCs were sent and the circumstances under which the SHCs were removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Meadows further objects to Request No. 17 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Request No. 17 purports to seek information that does not exist.

Meadows further objects to Request No. 17 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. Additionally, as stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 17 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

20. Meadows objects to the definition of Substance-Holding Container" or "SHCs" set forth in Request No. 17 to the extent that such definition incorporates the term "Substance of Interest" or "SOI" as set forth in its objections to Definition No. 16 and to the extent that such definition incorporates the term "COCs" for the reasons and upon the same basis as its objections to the definition of "COCs" set forth in its objections to Definition No. 2 as stated in paragraph 14 of its General Objections hereinabove.

Subject to these objections, Meadows answers this request as follows:  
Not applicable.

18. *For each SHC that was removed from the Facility, describe Respondent's contracts, agreements, or other arrangements under which SHCs were removed from the Facility, and identity all parties to each contract, agreement, or other arrangement described. Distinguish between the Relevant Time Period and the time period since 1988.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 18 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Subject to these objections, Meadows answers this request as follows:  
Not applicable.

19. *For each SHC, provide a complete explanation regarding the ownership of the SHC prior to delivery, while onsite, and after it was removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Meadows further objects to Request No. 19 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that

particular customer. Accordingly, Request No. 19 purports to seek information that does not exist. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 19 purports to seek information regarding SHCs that were sent to sites other than the BAD Site.

Subject to these objections, Meadows answers this request as follows:  
Not applicable.

- 20. Identify all individuals who currently have, and those who have had, responsibility for procurement of Materials at the Facilities. Also provide each individual's job title, duties, dates performing those duties, current position or the date of the individual's resignation, and the nature of the information possessed by each individual concerning Respondent's procurement of Materials.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 20 purports to seek information relating to Meadows' Facilities that is not relevant to contamination at the Site. Meadows further objects to Request No. 20 as it purports to seek information regarding procurement of "Materials" at facilities other than the BAD Site and thus goes beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment.

Subject to these objections, Meadows answers this request as follows: Individuals having responsibility for procurement at the facility include Robert Henderson, Plant Manager, W.R. Meadows of Northern California, 652 Indiana Street, Benicia, CA 94510, (707) 745-6666, 1990 to present, and Paul McGovern (deceased), former Plant Manager, 1977 to ?. These individuals were Plant Managers at the facility and had responsibility for day-to-day operations as well as ordering raw materials utilized in production activities.

- 21. Describe how each type of waste containing any SOIs was collected and stored at the Facilities prior to disposal/recycling/sale/transport, including:*
- a. the type of container in which each type of waste was placed/stored;*
  - b. how frequently each type of waste was removed from the Facility; Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 21 purports to seek information regarding collection and storage of "any SOIs" at facilities other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Subject to these objections, Meadows answers this request as follows:  
Not applicable.

*22. Describe the containers used to remove each type of waste containing any SOIs from the Facilities, including but not limited to:*

- a. the type of container (e.g. 55 gal. drum, dumpster, etc.);*
- b. the colors of the containers;*
- c. any distinctive stripes or other markings on those containers;*
- d. any labels or writing on those containers (including the content of those labels);*
- e. whether those containers were new or used; and*
- f. if those containers were used, a description of the prior use of the container;*

*Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Meadows further objects to Request No. 22 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that

particular customer. Accordingly, Request No. 22 purports to seek information that does not exist.

As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the RFI defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, [DDT], chlordane, dieldrin, and [PCBs]." Meadows further objects to Request No. 22 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. Additionally, Meadows objects to Request No. 22 as it purports to seek information regarding containers used to remove each type of waste containing any SOIs from the Facilities and taken to *any* other place during *any* time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Subject to these objections, Meadows answers this request as follows:  
Not applicable.

*23. For each type of waste generated at the Facilities that contained any of the SOIs, describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling and identify all parties to each contract, agreement, or other arrangement described. State the ownership of waste containers as specified under each contract, agreement, or other arrangement described and the ultimate destination or use for such containers. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the RFI defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, [DDT], chlordane, dieldrin, and [PCBs]." Meadows further objects to Request No. 23 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. Additionally, Meadows objects to Request No. 23 as it purports to seek information regarding waste generated at any Facilities that contained any SOIs and taken to *any* other place during *any* time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Subject to these objections, Meadows answers this request as follows:  
Not applicable.

24. *Identify all individuals who currently have, and those who have had, responsibility for Respondent's environmental matters (including responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes and SHCs). Provide the job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In addition, Meadows objects to this request on the basis that the phrase "supervisors for those duties" is confusing and ambiguous.

Subject to these objections, Meadows answers this request as follows:  
March 1990 to present: Dave Carey, CHMM, Vice-President, Plant Operations, W.R. Meadows, Inc., 300 Industrial Drive, Hampshire, IL 60140-0338, (847) 214-2100 (duties include responsibility for all environmental compliance and waste disposal issues), 1985 to March 1990: Henry Cobo, Environmental Specialist, current address and telephone unknown and believed deceased, (duties included responsibility for all environmental compliance and waste disposal issues) (supervisor for both Dave Carey and Henry Cobo: Jim Dwyer, CEO, W.R. Meadows, Inc., 300 Industrial Drive, Hampshire, IL 60140-0338, (847) 214-2100. Nature of information would include waste manifests as well as profile forms and shipping papers.

25. *Did Respondent ever purchase drums or other containers from a drum recycler or drum reconditioner? If yes, identify the entities or individuals from which Respondent acquired such drums or containers.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying all drum recyclers or drum reconditioners from which Meadows has ever acquired such drums or containers is not feasible due to long history of existence/operations and the number of Meadows locations. Meadows' answer is thereby limited to drum recyclers or drum reconditioners utilized by W.R. Meadows of Northern California during the Relevant Time Period.

Subject to these objections, Meadows answers this request as follows:  
W.R. Meadows did purchase drums from drum recyclers. These entities are as follows:



San Francisco Steel Drum  
1212 Thomas Avenue  
San Francisco CA 94124

Bay Area Drum Company  
1212 Thomas Avenue  
San Francisco, CA 94124

Bedini Steel Drum Corporation  
1212 Thomas Avenue  
San Francisco, CA 94124

Waymire Drum Company Inc  
8221 E. 3<sup>rd</sup> Street, Suite 204  
Downey, CA 90241

Lorentz Barrel & Drum Company  
1515 South 10<sup>th</sup> Street  
San Jose, CA 95112

Myers Drum Company  
P.O. Box 60000  
San Francisco, CA 94160

26. *Prior to 1988, did Respondent always keep its waste streams that contained SOIs separate from its other waste streams?*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Meadows further objects to Request No. 26 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site.

Subject to these objections, Meadows answers this request as follows:  
Not applicable.

27. *Identify all removal and remedial actions conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., or comparable state law; all corrective actions conducted pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; and all cleanups conducted pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. where (a) one of the COCs was addressed by the cleanup and (b) at which Respondent paid a portion of cleanup costs or performed work. Provide copies of all correspondence between Respondent and any federal or state government agency that (a) identifies a COC and (b) is related to one of the above-mentioned sites.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 27 purports to seek information regarding a broad range of removal and remedial actions, corrective actions and cleanups. Moreover, identifying all such removal and remedial actions is not feasible due to long history of existence/operations and the number of Meadows' locations and because Meadows has no first hand knowledge whether COCs were addressed in any particular cleanup. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site. Meadows further objects to Request No. 27 to the extent that EPA is already in possession of the requested documents, and to the extent that EPA is not in possession of these files, they are readily available to EPA. Meadows further objects to this request as beyond the scope of Section 104(e)(2) of CERCLA, and EPA is not authorized to hold Meadows responsible for information relating to sites other than the Site or in the possession third parties.

Subject to these objections, Meadows answers this request as follows:  
Not applicable.

*28. Provide all records of communication between Respondent and Bay Area Drum Company, Inc.; Meyers Drum Company; A.W. Sorich Bucket and Drum Company; Waymire Drum Company, Inc.; Waymire Drum and Barrel Company, Inc.; Bedini Barrels Inc.; Bedini Steel Drum Corp.; Bedini Drum; or any other person or entity that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. DTSC conducted an extensive investigation of the BAD Site and Meadows' operations in connection with it. DTSC's files include extensive records concerning the Bay Area Drum Company, Inc. and other persons and entities that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California. Meadows understands that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Subject to these objections, Meadows is hereby producing all such records in its possession. These records are being sent to EPA under separate cover.

29. *Identify the time periods regarding which Respondent does not have any records regarding the SOIs that were produced, purchased, used, or stored at the Facilities.*

**RESPONSE:**

In addition to the General Objections set forth above, Meadows objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In responding to the RFI, Meadows has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are relevant to this matter. Moreover, Meadows understands that EPA is already in possession of DTSC's files regarding the BAD Site. Meadows is under no further obligation to identify time periods to which these documents do not pertain.

Subject to these objections, Meadows answers this request as follows:  
Not applicable.

30. *Provide copies of all documents containing information responsive to the previous twenty-nine questions and identify the questions to which each document is responsive.*

**RESPONSE:**

Meadows objects to Request No. 30 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. Meadows further objects to Request No. 30 as it purports to seek copies of documents containing information responsive to the previous twenty-nine questions. DTSC conducted an extensive investigation of the BAD Site and Meadows' operations in connection with it. DTSC's investigation included an information request to Meadows and the DTSC files include Meadows' Response to DTSC's information request, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA. Meadows further objects for the reason that it is not Meadows' responsibility to determine what documents may or may not be "applicable." To the extent that EPA requests specific, relevant documents in Meadows' possession, such documents will be made available.

Subject to these objections, Meadows answers this request as follows:  
See answer to Request No. 28.

Craig Whitenack, Civil Investigator  
United States Environmental Protection Agency  
January 6, 2010  
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Any questions EPA may have regarding the responses to these information requests may be directed to Kenneth Anspach, 8 South Michigan Avenue, Suite 3400, Chicago, IL 60603.

Very truly yours,

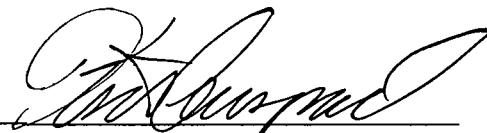
As to Answers to Information Request Questions:

W.R. Meadows, Inc.

By:   
Dave Carey, CHMM,  
Vice-President, Plant Operations

As to Objections:

W.R. Meadows, Inc.

By:   
Kenneth Anspach, Esq.  
Its Attorney